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Honorable Lonny R. Suko

Attorney for Defendants

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

EARNES HEIB AND CHRISTINE
HEIB, husband and wife,

Plaintiff,

vs.

PAUL LAW OFFICES, PLLC; PAUL &
ASSOCIATES LAW OFFICES, PLLC;
TRACY PAUL; and ARCHES
FINANCIAL, a Utah limited liability
company,

Defendants.

Case No.: 2:10-CV-00133-LRS

ANSWER AND AFFIRMATIVE
DEFENSES OF DEFENDANTS

COMES NOW Defendants Paul Law Offices, PLLC (incorrectly named in the
case caption, and an assumed business name of Paul & Associates Law Offices,
PLLC), and Paul & Associates, PLLC (“Associates”) (collectively “PLO”) and Tracy
Paul (“Paul”) and Arches Financial, LLC, (“Arches”, and incorrectly named in the

ANSWER, AND AFFIRMATIVE DEFENSES OF
DEFENDANTS - 1
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1 case caption as “Arches Financial”), without waiving any objections, rights, and
2 defenses relating to jurisdiction and process, hereby answers Plaintiff’s complaint as
3 follows:

4 I. ANSWER

5 1.1 Defendants admit this is an action for damages and remedies against the
6 defendants pursuant to the named statutes, and denies liability, and denies the
7 remaining allegations contained in Paragraph 1.1 of Plaintiff’s Complaint.

8 1.2 Defendants admit this Court has jurisdiction over claims under the Fair
9 Debt Collection Practices Act, 15 USC § 1692 et seq. (FDCPA), and that this court
10 could accept supplemental jurisdiction on claims under the Telephone Consumer
11 Protection Act, 47 USC § 227 (TCPA), Washington Consumer Protection Act, RCW
12 19.86 et seq. (WCPA), and the Washington Collection Agency Act, RCW 19.16 et
13 seq. (WCAA), but denies liability under the same, and, by that reason there is no
14 subject matter jurisdiction, and denies personal jurisdiction over a separate defendant
15 named Paul Law Offices, PLLC in that Paul Law Office, PLLC is an assumed name
16 for Paul & Associates Law Offices, PLLC, and is not a separate entity, and therefore
17 denies the remaining allegations contained in Paragraph 2.1 of Plaintiff’s Complaint.

18 1.3 Defendants admit plaintiffs reside within the jurisdiction of this Court,
19 and that venue is proper in this District, and denies the remaining allegations
20 contained in Paragraph 2.2 of Plaintiff’s Complaint.

21 1.4 Defendants lack sufficient information to admit or deny the allegations
22 made in Paragraph 3.1 of Plaintiff’s Complaint, and, therefore, denies the same.

1 1.5 Defendants admit the allegations contained in Paragraph 3.2 of
2 Plaintiff's Complaint.

3 1.6 Defendants admit the allegations contained in Paragraph 3.3 of
4 Plaintiff's Complaint.

5 1.7 Defendants lack sufficient information to admit or deny the allegations
6 made in Paragraph 3.4 of Plaintiff's Complaint, and, therefore, denies the same.

7 1.8 Defendants admit the allegations contained in Paragraph 3.5 of
8 Plaintiff's Complaint.

9 1.9 Defendants admit the allegations contained in Paragraph 3.6 of
10 Plaintiff's Complaint.

11 1.10 Defendants deny the allegations contained in Paragraph 3.7 of
12 Plaintiff's Complaint.

13 1.11 Defendants admit the allegations contained in Paragraph 3.8 of
14 Plaintiff's Complaint.

15 1.12 Defendants lack sufficient information to admit or deny the allegations
16 made in Paragraph 3.9 of Plaintiff's Complaint, and, therefore, denies the same.

17 1.13 Defendants lack sufficient information to admit or deny the allegations
18 made in Paragraph 3.10 of Plaintiff's Complaint, and, therefore, denies the same.

19 1.14 Defendants deny the allegations made in Paragraph 3.11 of Plaintiff's
20 Complaint.

21 1.15 Defendants deny the allegations made in Paragraph 3.12 of Plaintiff's
22 Complaint.

1 1.16 Defendants deny the allegations made in Paragraph 3.13 of Plaintiff's
2 Complaint.

3 1.17 Defendants deny the allegations made in Paragraph 3.14 of Plaintiff's
4 Complaint.

5 1.18 Defendants lack sufficient information to admit or deny the allegations
6 made in Paragraph 3.15 of Plaintiff's Complaint, and, therefore, denies the same.

7 1.19 Defendants deny the allegations made in Paragraph 3.16 of Plaintiff's
8 Complaint.

9 1.20 Defendants deny the allegations made in Paragraph 3.17 of Plaintiff's
10 Complaint.

11 1.21 Defendants deny the allegations made in Paragraph 3.18 of Plaintiff's
12 Complaint.

13 1.22 Defendants deny the allegations made in Paragraph 3.19 of Plaintiff's
14 Complaint.

15 1.23 Defendants admit the allegations made in Paragraph 3.20 of Plaintiff's
16 Complaint.

17 1.24 Defendants admit the allegations made in Paragraph 3.21 of Plaintiff's
18 Complaint.

19 1.25 Defendants admit the allegations made in Paragraph 3.22 of Plaintiff's
20 Complaint.

21 1.26 Defendants admit Associates communicated with persons who
22 identified themselves as Plaintiffs in an attempt to collect an obligation, and lacks

1 sufficient information to admit or deny the remaining allegations made in Paragraph
2 3.23 of Plaintiff's Complaint, and, therefore, denies the same.

3 1.27 Defendants deny the allegations made in Paragraph 3.24 of Plaintiff's
4 Complaint.

5 1.28 Defendants deny the allegations made in Paragraph 3.25 of Plaintiff's
6 Complaint.

7 1.29 Defendants deny the allegations made in Paragraph 3.26 of Plaintiff's
8 Complaint.

9 1.30 Defendants deny the allegations made in Paragraph 3.27 of Plaintiff's
10 Complaint.

11 1.31 Defendants deny the allegations made in Paragraph 3.28 of Plaintiff's
12 Complaint.

13 1.32 Defendants deny the allegations made in Paragraph 3.29 of Plaintiff's
14 Complaint.

15 1.33 Defendants deny the allegations made in Paragraph 3.30 of Plaintiff's
16 Complaint.

17 1.34 Defendants deny the allegations made in Paragraph 3.31 of Plaintiff's
18 Complaint.

19 1.35 Defendants deny the allegations made in Paragraph 3.32 of Plaintiff's
20 Complaint.

21 1.36 Defendants deny the allegations made in Paragraph 3.33 of Plaintiff's
22 Complaint.

1 1.37 Defendants admit the allegations made in Paragraph 4.1 of Plaintiff's
2 Complaint.

3 1.38 Defendants admit the allegations made in Paragraph 4.2 of Plaintiff's
4 Complaint.

5 1.39 Defendants Associates is a Utah professional limited liability company,
6 engaged in the business of collecting debts, and collects debts within the State of
7 Washington, and collects debts that were originally owed to another, and collects
8 debts within the jurisdiction of the Eastern District of Washington, and denies the
9 remaining allegations made in Paragraph 4.3 of Plaintiff's Complaint.

10 1.40 Defendants admit the allegations made in Paragraph 4.4 of Plaintiff's
11 Complaint.

12 1.41 Defendants admit the allegations made in Paragraph 4.5 of Plaintiff's
13 Complaint.

14 1.42 Defendants deny the allegations made in Paragraph 4.6 of Plaintiff's
15 Complaint.

16 1.43 Defendants deny the allegations made in Paragraph 4.7 of Plaintiff's
17 Complaint.

18 1.44 Defendants deny the allegations made in Paragraph 4.8 of Plaintiff's
19 Complaint.

20 1.45 Defendants admit the allegations made in Paragraph 4.9 of Plaintiff's
21 Complaint.

22 1.46 Defendants deny the allegations made in Paragraph 4.10 of Plaintiff's

1 Complaint.

2 1.47 Defendants admit the allegations made in Paragraph 4.11 of Plaintiff's
3 Complaint.

4 1.48 Defendants deny the allegations made in Paragraph 4.12 of Plaintiff's
5 Complaint.

6 1.49 Defendants deny the allegations made in Paragraph 4.13 of Plaintiff's
7 Complaint.

8 1.50 Defendants deny the allegations made in Paragraph 4.14 of Plaintiff's
9 Complaint.

10 1.51 Defendants deny the allegations made in Paragraph 4.15 of Plaintiff's
11 Complaint.

12 1.52 Defendants deny the allegations made in Paragraph 4.16 of Plaintiff's
13 Complaint.

14 1.53 Defendants admit Associates and Arches occupy the address referred to,
15 and deny the remaining allegations made in Paragraph 4.17 of Plaintiff's Complaint.

16 1.54 Defendants deny the allegations made in Paragraph 4.18 of Plaintiff's
17 Complaint.

18 1.55 Defendants admit Paul is an owner in Arches and Associates, and deny
19 the remaining allegations made in Paragraph 4.19 of Plaintiff's Complaint.

20 1.56 Defendants deny the allegations made in Paragraph 4.20 of Plaintiff's
21 Complaint.

22 1.57 Defendants deny the allegations made in Paragraph 4.21 of Plaintiff's

ANSWER, AND AFFIRMATIVE DEFENSES OF
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Facsimile No. (503) 255-6124

1 Complaint.

2 1.58 Defendants deny the allegations made in Paragraph 4.22 of Plaintiff's

3 Complaint.

4 1.59 Defendants admit the allegations made in Paragraph 4.23 of Plaintiff's

5 Complaint.

6 1.60 Defendants admit the allegations made in Paragraph 4.24 of Plaintiff's

7 Complaint.

8 1.61 Defendants deny the allegations made in Paragraph 4.25 of Plaintiff's

9 Complaint.

10 1.62 Defendants deny the allegations made in Paragraph 4.26 of Plaintiff's

11 Complaint.

12 1.63 Defendants admit the allegations made in Paragraph 4.27 of Plaintiff's

13 Complaint.

14 1.64 Defendants deny the allegations made in Paragraph 4.28 of Plaintiff's

15 Complaint.

16 1.65 Defendants admit the allegations made in Paragraph 4.29 of Plaintiff's

17 Complaint.

18 1.66 Defendants deny the allegations made in Paragraph 4.30 of Plaintiff's

19 Complaint.

20 1.67 Defendants admit the allegations made in Paragraph 4.31 of Plaintiff's

21 Complaint.

22 1.68 Defendants deny the allegations made in Paragraph 4.32 of Plaintiff's

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1 Complaint.

2 1.69 Defendants admit the allegations made in Paragraph 4.33 of Plaintiff's
3 Complaint.

4 1.70 Defendants deny the allegations made in Paragraph 4.34 of Plaintiff's
5 Complaint.

6 1.71 Defendants admit the allegations made in Paragraph 4.35 of Plaintiff's
7 Complaint.

8 1.72 Defendants deny the allegations made in Paragraph 4.36 of Plaintiff's
9 Complaint.

10 1.73 Defendants admit the allegations made in Paragraph 4.37 of Plaintiff's
11 Complaint.

12 1.74 Defendants admit the allegations made in Paragraph 4.38 of Plaintiff's
13 Complaint.

14 1.75 Defendants deny the allegations made in Paragraph 4.39 of Plaintiff's
15 Complaint.

16 1.76 Defendants admit calls were made by Associates to the Plaintiffs, but
17 deny the remaining allegations made in Paragraph 5.1 of Plaintiff's Complaint.

18 1.77 Defendants deny the allegations made in Paragraph 5.2 of Plaintiff's
19 Complaint.

20 1.78 Defendants deny the allegations made in Paragraph 5.3 of Plaintiff's
21 Complaint.

22 1.79 Defendants lack sufficient information to admit or deny the allegations

1 made in Paragraph 5.4 of Plaintiff's Complaint, and, therefore, denies the same.

2 1.80 Defendants deny the allegations made in Paragraph 5.5 of Plaintiff's
3 Complaint.

4 1.81 Defendants lack sufficient information to admit or deny the allegations
5 made in Paragraph 5.6 of Plaintiff's Complaint, and, therefore, denies the same.

6 1.82 Defendants admit Associates have at a time been informed that
7 Plaintiffs were represented by an attorney, and deny the remaining allegations made
8 in Paragraph 5.7 of Plaintiff's Complaint.

9 1.83 Defendants lack sufficient information to admit or deny the allegations
10 made in Paragraph 5.8 of Plaintiff's Complaint, and, therefore, denies the same.

11 1.84 Defendants admit Associates has attempted to communicate with
12 Plaintiffs, and deny the remaining allegations made in Paragraph 5.9 of Plaintiff's
13 Complaint.

14 1.85 Defendants lack sufficient information to admit or deny the allegations
15 made in Paragraph 5.10 of Plaintiff's Complaint, and, therefore, denies the same.

16 1.86 Defendants admit Associates has attempted to communicate with
17 Plaintiffs, and deny the remaining allegations made in Paragraph 5.11 of Plaintiff's
18 Complaint.

19 1.87 Defendants lack sufficient information to admit or deny the allegations
20 made in Paragraph 5.12 of Plaintiff's Complaint, and, therefore, denies the same.

21 1.88 Defendants admit Associates has attempted to communicate with
22 Plaintiffs, and deny the remaining allegations made in Paragraph 5.13 of Plaintiff's

1 Complaint.

2 1.89 Defendants admit the allegations made in Paragraph 5.14 of Plaintiff's
3 Complaint.

4 1.90 Defendants admit the allegations made in Paragraph 5.15 of Plaintiff's
5 Complaint.

6 1.91 Defendants deny the allegations made in Paragraph 5.16 of Plaintiff's
7 Complaint.

8 1.92 Defendants deny the allegations made in Paragraph 5.17 of Plaintiff's
9 Complaint.

10 1.93 Defendants admit Associates has attempted to communicate with
11 Plaintiffs, and deny the remaining allegations made in Paragraph 5.18 of Plaintiff's
12 Complaint.

13 1.94 Defendants admit Associates has attempted to communicate with
14 Plaintiffs, and deny the remaining allegations made in Paragraph 5.19 of Plaintiff's
15 Complaint.

16 1.95 Defendants admit Associates has attempted to communicate with
17 Plaintiffs, and deny the remaining allegations made in Paragraph 5.20 of Plaintiff's
18 Complaint.

19 1.96 Defendants admit Associates has attempted to communicate with
20 Plaintiffs on March 9, 2009, and deny the remaining allegations made in Paragraph
21 5.21 of Plaintiff's Complaint.

22 1.97 Defendants admit Associates has attempted to communicate with

1 Plaintiffs, and deny the remaining allegations made in Paragraph 5.22 of Plaintiff's
2 Complaint.

3 1.98 Defendants admit Associates has attempted to communicate with
4 Plaintiffs, and deny the remaining allegations made in Paragraph 5.23 of Plaintiff's
5 Complaint.

6 1.99 Defendants admit Associates has attempted to communicate with
7 Plaintiffs on March 25, 2009, and deny the remaining allegations made in Paragraph
8 5.24 of Plaintiff's Complaint.

9 1.100 Defendants admit Associates has attempted to communicate with
10 Plaintiffs, and deny the remaining allegations made in Paragraph 5.25 of Plaintiff's
11 Complaint.

12 1.101 Defendants admit Associates has attempted to communicate with
13 Plaintiffs, and deny the remaining allegations made in Paragraph 5.26 of Plaintiff's
14 Complaint.

15 1.102 Defendants admit Associates has attempted to communicate with
16 Plaintiffs, and deny the remaining allegations made in Paragraph 5.27 of Plaintiff's
17 Complaint.

18 1.103 Defendants admit Associates has attempted to communicate with
19 Plaintiffs, and deny the remaining allegations made in Paragraph 5.28 of Plaintiff's
20 Complaint.

21 1.104 Defendants admit Associates has attempted to communicate with
22 Plaintiffs on April 30, 2009, and deny the remaining allegations made in Paragraph

1 5.29 of Plaintiff's Complaint.

2 1.105 Defendants admit Associates has attempted to communicate with
3 Plaintiffs, and deny the remaining allegations made in Paragraph 5.30 of Plaintiff's
4 Complaint.

5 1.106 Defendants admit Associates has attempted to communicate with
6 Plaintiffs on May 8, 2009, and deny the remaining allegations made in Paragraph
7 5.31 of Plaintiff's Complaint.

8 1.107 Defendants admit Associates has attempted to communicate with
9 Plaintiffs, and deny the remaining allegations made in Paragraph 5.32 of Plaintiff's
10 Complaint.

11 1.108 Defendants admit Associates has attempted to communicate with
12 Plaintiffs, and deny the remaining allegations made in Paragraph 5.33 of Plaintiff's
13 Complaint.

14 1.109 Defendants admit Associates has attempted to communicate with
15 Plaintiffs, and deny the remaining allegations made in Paragraph 5.34 of Plaintiff's
16 Complaint.

17 1.110 Defendants deny the allegations made in Paragraph 5.35 of Plaintiff's
18 Complaint.

19 1.111 Defendants lack sufficient information to admit or deny the allegations
20 made in Paragraph 5.36 of Plaintiff's Complaint, and, therefore, denies the same.

21 1.112 Defendants deny the allegations made in Paragraph 5.37 of Plaintiff's
22 Complaint.

ANSWER, AND AFFIRMATIVE DEFENSES OF
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1 1.113 Defendants deny the allegations made in Paragraph 5.38 of Plaintiff's
2 Complaint.

3 1.114 Defendants deny the allegations made in Paragraph 6.1 of Plaintiff's
4 Complaint.

5 1.115 Defendants deny the allegations made in Paragraph 6.2 of Plaintiff's
6 Complaint.

7 1.116 Defendants deny the allegations made in Paragraph 6.3 of Plaintiff's
8 Complaint.

9 1.117 Defendants deny the allegations made in Paragraph 6.4 of Plaintiff's
10 Complaint.

11 1.118 Defendants deny the allegations made in Paragraph 6.5 of Plaintiff's
12 Complaint.

13 1.119 Defendants deny the allegations made in Paragraph 6.6 of Plaintiff's
14 Complaint.

15 1.120 Defendants deny the allegations made in Paragraph 6.7 of Plaintiff's
16 Complaint.

17 1.121 Defendants deny the allegations made in Paragraph 6.8 of Plaintiff's
18 Complaint.

19 1.122 Defendants deny the allegations made in Paragraph 6.9 of Plaintiff's
20 Complaint.

21 1.123 Defendants deny the allegations made in Paragraph 6.10 of Plaintiff's
22 Complaint.

ANSWER, AND AFFIRMATIVE DEFENSES OF
DEFENDANTS - 14
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1 1.124 Defendants deny the allegations made in Paragraph 6.11 of Plaintiff's
2 Complaint.

3 1.125 Defendants deny the allegations made in Paragraph 6.12 of Plaintiff's
4 Complaint.

5 1.126 Defendants deny the allegations made in Paragraph 7.1 of Plaintiff's
6 Complaint.

7 1.127 Defendants deny the allegations made in Paragraph 7.2 of Plaintiff's
8 Complaint.

9 1.128 Defendants deny the allegations made in Paragraph 7.3 of Plaintiff's
10 Complaint.

11 1.129 Defendants deny the allegations made in Paragraph 7.4 of Plaintiff's
12 Complaint.

13 1.130 Defendants deny the allegations made in Paragraph 7.5 of Plaintiff's
14 Complaint.

15 1.131 Defendants deny the allegations made in Paragraph 7.6 of Plaintiff's
16 Complaint.

17 1.132 Defendants deny the allegations made in Paragraph 7.7 of Plaintiff's
18 Complaint.

19 1.133 Defendants deny the allegations made in Paragraph 7.8 of Plaintiff's
20 Complaint.

21 1.134 Defendants deny the allegations made in Paragraph 7.9 of Plaintiff's
22 Complaint.

ANSWER, AND AFFIRMATIVE DEFENSES OF
DEFENDANTS - 15
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1 1.135 Defendants deny the allegations made in Paragraph 8.1 of Plaintiff's
2 Complaint.

3 1.136 Defendants admit the allegations made in Paragraph 8.2 of Plaintiff's
4 Complaint.

5 1.137 Defendants admit the allegations made in Paragraph 8.3 of Plaintiff's
6 Complaint.

7 1.138 Defendants deny the allegations made in Paragraph 8.4 of Plaintiff's
8 Complaint.

9 1.139 Defendants deny the allegations made in Paragraph 8.5 of Plaintiff's
10 Complaint.

11 1.140 Defendants deny the allegations made in Paragraph 8.6 of Plaintiff's
12 Complaint.

13 1.141 Defendants deny the allegations made in Paragraph 8.7 of Plaintiff's
14 Complaint.

15 1.142 Defendants admit the allegations made in Paragraph 8.8 of Plaintiff's
16 Complaint.

17 1.143 Defendants deny the allegations made in Paragraph 8.9 of Plaintiff's
18 Complaint.

19 1.144 Defendants deny the allegations made in Paragraph 8.10 of Plaintiff's
20 Complaint.

21 1.145 Defendants deny the allegations made in Paragraph 8.11 of Plaintiff's
22 Complaint.

ANSWER, AND AFFIRMATIVE DEFENSES OF
DEFENDANTS - 16
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1 1.146 Defendants deny the allegations made in Paragraph 8.12 of Plaintiff's
2 Complaint.

3 1.147 Defendants deny the allegations made in Paragraph 8.13 of Plaintiff's
4 Complaint.

5 1.148 Defendants deny the allegations made in Paragraph 8.14 of Plaintiff's
6 Complaint.

7 1.149 Defendants deny the allegations made in Paragraph 8.15 of Plaintiff's
8 Complaint.

9 1.150 Defendants admit the allegations made in Paragraph 8.16 of Plaintiff's
10 Complaint.

11 1.151 Defendants deny the allegations made in Paragraph 8.17 of Plaintiff's
12 Complaint.

13 1.152 Defendants deny the allegations made in Paragraph 9.1 of Plaintiff's
14 Complaint.

15 1.153 Defendants lack sufficient information to admit or deny the allegations
16 made in Paragraph 9.2 of Plaintiff's Complaint, and, therefore, denies the same.

17 1.154 Defendants deny the allegations made in Paragraph 9.3 of Plaintiff's
18 Complaint.

19 1.155 Defendants deny the allegations made in Paragraph 9.4 of Plaintiff's
20 Complaint.

21 1.156 Defendants lack sufficient information to admit or deny the allegations
22 made in Paragraph 9.5 of Plaintiff's Complaint, and, therefore, denies the same.

1 1.157 Defendants admit Associates uses an automated telephone dialing
2 system, and deny the remaining allegations made in Paragraph 9.6 of Plaintiff's
3 Complaint.

4 1.158 Defendants admit Associates has attempted to communicate with
5 Plaintiffs, and deny the remaining allegations made in Paragraph 9.7 of Plaintiff's
6 Complaint.

7 1.159 Defendants admit the allegations made in Paragraph 9.8 of Plaintiff's
8 Complaint.

9 1.160 Defendants deny the allegations made in Paragraph 9.9 of Plaintiff's
10 Complaint.

11 1.161 Defendants deny the allegations made in Paragraph 9.10 of Plaintiff's
12 Complaint.

13 1.162 Defendants deny the allegations made in Paragraph 9.11 of Plaintiff's
14 Complaint.

15 1.163 Defendants deny the allegations made in Paragraph 10.1 of Plaintiff's
16 Complaint.

17 1.164 Defendants deny the allegations made in Paragraph 10.2 of Plaintiff's
18 Complaint.

19 1.165 Defendants deny the allegations made in Paragraph 10.3 of Plaintiff's
20 Complaint.

21 1.166 Defendants deny the allegations made in Paragraph 10.4 of Plaintiff's
22 Complaint.

1 1.167 Defendants deny the allegations made in Paragraph 10.5 of Plaintiff's
2 Complaint.

3 1.168 Defendants deny the allegations made in Paragraph 10.6 of Plaintiff's
4 Complaint.

5 1.169 Defendants deny the allegations made in Paragraph 10.7 of Plaintiff's
6 Complaint.

7 1.170 Defendants deny the allegations made in Paragraph 10.8 of Plaintiff's
8 Complaint.

9 1.171 Defendants deny the allegations made in Paragraph 10.9 of Plaintiff's
10 Complaint.

11 1.172 Defendants deny the allegations made in Paragraph 10.10 of Plaintiff's
12 Complaint.

13 1.173 Defendants deny the allegations made in Paragraph 10.11 of Plaintiff's
14 Complaint.

15 1.174 Defendants deny the allegations made in Paragraph 10.12 of Plaintiff's
16 Complaint.

17 1.175 Defendants deny the allegations made in Paragraph 10.13 of Plaintiff's
18 Complaint.

19 1.176 Defendants deny the allegations made in Paragraph 10.14 of Plaintiff's
20 Complaint.

21 1.177 Defendants deny the allegations made in Paragraph 10.15 of Plaintiff's
22 Complaint.

ANSWER, AND AFFIRMATIVE DEFENSES OF
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1 1.178 Except as so admitted, Defendants denies each and every allegation in
2 Plaintiff's Complaint.

3 II. AFFIRMATIVE DEFENSES

4 Having answered Plaintiff's complaint, Defendants alleges the following
5 affirmative defenses.

6 2.1. **Failure to State Claims.**

7 2.2. **Statute of Limitations.**

8 2.3. **Lack of Subject Matter Jurisdiction.**

9 2.4. **Lack of Personal Jurisdiction over Arches.**

10 2.5. **Claim Preclusion.**

11 2.6. **Issue Preclusion.**

12 2.7. **Failure to Mitigate Damages.**

13 2.8. **Consent.** Defendants had consent to contact Plaintiffs.

14 2.9. **Established Business Relationship.** The claims of Plaintiffs fail to the
15 extent they had established business relationships with Defendants.

16 2.10. **Failure to Mitigate.** Plaintiffs failed to mitigate any damages which
17 they may have suffered.

18 2.11. **Lack of Injury.** Plaintiffs have sustained no cognizable injury or
19 damages.

20 2.12. **Bonafide Error.** Any violation of law, which is specifically denied,
21 was not intentional and resulted from a bona fide error notwithstanding the
22 maintenance of procedures reasonably adapted to avoid any such error.

2.15. **No False Statements.** Defendants did not make any false or misleading representation to Plaintiffs or anyone else.

10 III. PRAYER

13 3.1. Dismissal of the Action with prejudice, and with costs and attorney fees
14 to Defendant.

16 Dated June 2, 2010.

| | |
|----|--|
| 18 | <u>s/ Jeffrey I. Hasson</u> |
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| 20 | Davenport & Hasson, LLP |
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ANSWER, AND AFFIRMATIVE DEFENSES OF
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